

AMENDED IN ASSEMBLY MARCH 13, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 115

**Introduced by Assembly Members Jerome Horton and
Ridley-Thomas**

January 14, 2003

An act to amend Sections 35294.7, 35294.8, and 44276.1 of, and to add Section 44276.2 to, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 115, as amended, Jerome Horton. School safety.

Existing law *makes each school district and county office of education responsible for the overall development of comprehensive school safety plans for its schools operating any kindergarten and any of grades 1 to 12, inclusive. Existing law* requires the Superintendent of Public Instruction, *upon determining that there is a willful failure to make any required report relating to the school safety plans, to notify the school district or county office of education in which the willful failure occurred and to make an assessment of \$500 against a the school district or county office of education that willfully fails to make a report, as required.*

This bill would increase the penalty for a willful failure to make a report, ~~as required~~, to \$5,000. *The bill would also require the superintendent to notify the Commission on Teacher Credentialing within 30 days of the willful violation and to notify the commission again in writing if a principal or site administrator of a school district or county office of education receives written notice of the violation and fails to correct the violation within 3 months of the notice. The bill would*

require the commission to suspend, as provided, the credentials of the principal or site administrator who receives notice of the willful violation and fails to correct the violation within 3 months of the notice.

Existing law provides for the establishment of a schoolsite council and requires the council to develop and adopt ~~a~~ *the* comprehensive school safety plan, as prescribed. ~~Existing law requires each school to forward its comprehensive school safety plan to the school district or county office of education and requires each school district or county office of education to annually notify the State Department of Education of those schools that have not implemented a comprehensive school safety plan.~~

This bill would impose a state-mandated local program by requiring each school district or county office of education to establish an oversight committee, to be composed as specified, to ensure that its schools prepare a comprehensive school safety plan, to inspect the schools for safety violations, and to monitor schools determined to be in violation *of specified laws relating to the school safety plans*. The bill ~~provides~~ *would provide* that membership on the committee is voluntary and that committee members may not assert claims for compensation against the school district, county office of education, or the State of California.

~~Existing law requires the Commission on Teacher Credentialing to adopt standards that include the effective preparation of school teachers, administrators, counselors, and other school personnel in principles of school safety.~~

~~This bill would permit the commission to suspend, as prescribed, the credentials of a principal or site administrator that receives written notice of a willful violation of the requirements relating to the comprehensive school safety plan and fails to correct the violation within 3 months.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35294.7 of the Education Code is
2 amended to read:

3 35294.7. (a) If the Superintendent of Public Instruction
4 determines that there has been a willful failure to make any report
5 required by this article, the Superintendent of Public Instruction
6 shall do ~~both~~ all of the following:

7 ~~(a)~~

8 (1) Notify the school district or the county office of education
9 in which the willful failure has occurred of the determination.

10 ~~(b)~~

11 (2) Make an assessment of not more than five thousand dollars
12 (\$5,000) against that school district or county office of education.
13 This may be accomplished by the deduction of the amount of the
14 assessment from an apportionment made subsequent to the
15 determination.

16 (3) *Within 30 days, notify the Commission on Teacher*
17 *Credentialing in writing of the willful violation.*

18 (b) *The Superintendent of Public Instruction shall also notify*
19 *the Commission on Teacher Credentialing in writing if a principal*
20 *or site administrator of a school district or county office of*
21 *education receives written notice from the superintendent of a*
22 *willful violation of this article and fails to correct the violation*
23 *within three months of the written notice.*

24 SEC. 2. Section 35294.8 of the Education Code is amended
25 to read:

26 35294.8. (a) In order to ensure compliance with this article,
27 each school shall forward its comprehensive school safety plan to
28 the school district or county office of education for approval.

29 (b) (1) Before adopting its comprehensive school safety plan,
30 the schoolsite council or school safety planning committee shall
31 hold a public meeting at the schoolsite in order to allow members
32 of the public the opportunity to express an opinion about the school
33 safety plan.

(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:

(A) The local mayor.

(B) A representative of the local school employee organization.

(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.

(D) A representative of each teacher organization at the schoolsite.

(E) A representative of the student body government.

(F) All persons that have indicated they want to be notified.

(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:

(A) A representative of the local churches.

(B) Local civic leaders.

(C) Local business organizations.

(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 35294.1.

~~(d) In order to ensure compliance with this article, each school~~
(d) *Each school* district or county office of education, except those small school districts as defined in paragraph (2) of subdivision (d) of Section 35294.1, shall establish ~~an oversight committee~~ *one or more oversight committees to ensure compliance with this article. The oversight committee or committees shall be* composed of the following members:

(1) One teacher who is a member of an organization representing certificated employees of the respective district or county office of education.

(2) One administrator from a school district or county office of education. *If the school district or county office of education establishing the oversight committee is under investigation for a violation of this article, the administrator shall be from a school district or county office of education other than the school district or county office of education that is under investigation.*

(3) One representative from a local law enforcement agency.

1 (4) One parent whose child ~~attends the school~~ *is enrolled in a*
2 *school governed by the school district or county office of*
3 *education.*

4 (5) One classified employee who is a member of an
5 organization representing classified employees of the respective
6 district or county office of education.

7 (6) Other members, if desired.

8 (e) The oversight committee established pursuant to ~~paragraph~~
9 ~~(2)~~ of subdivision (d) shall do all of the following:

10 (1) Ensure that its schools prepare a comprehensive safety plan
11 pursuant to subdivision (a) of Section 35294.1.

12 (2) Make unannounced visits to its schools on a regular basis
13 to assess the safety of the schoolsite.

14 (3) Monitor its schools determined to be in violation of this
15 article until the requirements of this article are satisfied.

16 (f) Service on the oversight committee, established pursuant to
17 ~~paragraph (2)~~ of subdivision (d), shall be on a volunteer basis. A
18 member of the oversight committee may not receive compensation
19 for service on the committee, however, members of the oversight
20 ~~committee are entitled to reasonable reimbursement of necessary~~
21 ~~costs as~~ *committee may receive reasonable reimbursement of costs*
22 *that are necessary and directly related to the duties of the oversight*
23 *committee and that are approved by the school district or county*
24 *office of education. A member of the oversight committee may not*
25 *assert a claim against the school district, county office of*
26 *education, or the State of California for compensation for service*
27 *on the oversight committee.*

28 (g) *As a means to assist in monitoring school safety, each*
29 *oversight committee shall establish an address for members of the*
30 *public to report safety complaints. The address shall be posted at*
31 *all schools within the school district or county office of education*
32 *in a prominent place.*

33 SEC. 3. Section 44276.1 of the Education Code is amended
34 to read:

35 44276.1. (a) The Legislature finds and declares the
36 following:

37 (1) The education mission of schools may be thwarted when
38 school campuses are not safe, secure, and peaceful.

39 (2) Effective school management can improve school safety
40 and decrease violence and criminal behavior.

1 (3) In many school districts and neighborhoods, violence and
2 criminal behavior are increasingly frequent.

3 (4) Teachers and other educators who are well prepared in
4 principles of school safety may be able to mitigate to some degree
5 the detrimental behavior of pupils and others on school campuses.

6 Therefore, it is the intent of the Legislature that a
7 comprehensive school safety plan is established pursuant to
8 Section 35294.1 in order to achieve safe, secure, and peaceful
9 school campuses and that the Commission on Teacher
10 Credentialing adopt standards that address the principles of school
11 safety included in the plan in the preparation of future classroom
12 teachers, school administrators, school counselors, and other pupil
13 personnel service providers as a condition for licensing these
14 prospective practitioners.

15 (b) Standards adopted by the commission pursuant to
16 paragraph (3) of subdivision (b) of Section 44259, and pursuant to
17 Sections 44266, 44270, 44277, and 44372, shall include the
18 effective preparation of prospective classroom teachers, school
19 administrators, school counselors, and other pupil personnel
20 service providers in principles of school safety. In developing
21 these standards, the commission shall consider, but is not limited
22 to considering, the following principles of school safety:

23 (1) School management skills that emphasize crisis
24 intervention and conflict resolution.

25 (2) Developing and maintaining a positive and safe school
26 climate, including methods to prevent the possession of weapons
27 on school campuses.

28 (3) Developing school safety plans.

29 (4) Developing ways to identify and defuse situations that may
30 lead to conflict or violence.

31 (c) In developing standards relating to school safety, the
32 commission shall consider the findings and recommendations of
33 an advisory panel of experts on school violence.

34 (d) The commission shall allow an institution of postsecondary
35 education to meet the standards developed by the commission
36 relating to school safety by incorporating the principles of school
37 safety in the program required by paragraph (3) of subdivision (b)
38 of Section 44259.

39 (e) Implementation of subdivision (b) of this section as it
40 applies to paragraph (3) of subdivision (b) of Section 44259 shall

1 occur in conjunction with the review of requirements for earning
2 and renewing multiple and single subject teaching credentials, as
3 required by Section 44259.3.

4 (f) Instruction in principles of school safety shall be required
5 of all candidates for credentials specified in Sections 44259,
6 44266, and 44270.

7 (g) A credential that was issued prior to January 1, 1994, shall
8 remain in force as long as it is valid under the laws and regulations
9 that were in effect on the date it was issued. The commission may
10 not, by regulation, invalidate an otherwise valid credential, unless
11 it issues to the holder of the credential, in substitution, a new
12 credential authorized by another provision in this chapter that is no
13 less restrictive than the credential for which it was substituted with
14 respect to the kind of service authorized and the grades, classes, or
15 types of schools in which it authorizes service.

16 (h) Notwithstanding this section, persons who were
17 performing teaching, administrative, counseling, or other pupil
18 personnel services as of January 1, 1994, pursuant to the language
19 of this chapter that was in effect prior to that date, may continue
20 to perform those services without complying with any
21 requirements added by the amendments adding this section.

22 (i) The commission shall grant credentials based on the
23 requirements for those credentials as of December 31, 1993, to
24 candidates who, prior to the effective date of the commission's
25 adoption of standards pursuant to this section, were in the process
26 of meeting those credential requirements.

27 SEC. 4. Section 44276.2 is added to the Education Code, to
28 read:

29 44276.2. A principal or site administrator of a school district
30 or county office of education that has received written notice by
31 the Superintendent of Public Instruction of a willful violation of
32 Article 10.3 (commencing with Section 35294) of Chapter 2 of
33 Part 21 and fails to correct the violation within three months of the
34 written notice shall have his or her credentials suspended *by the*
35 *commission* for up to six months until the ~~Commission on Teacher~~
36 ~~Credentialing~~ *commission* makes a determination as to the
37 appropriate disciplinary action.

38 SEC. 5. Notwithstanding Section 17610 of the Government
39 Code, if the Commission on State Mandates determines that this
40 act contains costs mandated by the state, reimbursement to local

1 agencies and school districts for those costs shall be made pursuant
2 to Part 7 (commencing with Section 17500) of Division 4 of Title
3 2 of the Government Code. If the statewide cost of the claim for
4 reimbursement does not exceed one million dollars (\$1,000,000),
5 reimbursement shall be made from the State Mandates Claims
6 Fund.

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9 CORRECTIONS

10 Text — Page 7.

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